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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

Case No. 2013-482

14 **CONNIE CAMELIA SARU**

DEFAULT DECISION AND ORDER

15 **Registered Nurse License Applicant**

[Gov. Code, § 11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about December 13, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Statement of Issues No. 2013-482 against Connie Camelia Saru
(Respondent) before the Board of Registered Nursing.

21 2. On or about September 2, 2010, Respondent filed an application dated September 1,
22 2010, with the Board of Registered Nursing to obtain a Registered Nurse License.

23 3. On or about September 25, 2012, the Board issued a letter denying Respondent's
24 application for a Registered Nurse License. On or about October 8, 2012, Respondent appealed
25 the Board's denial of her application and requested a hearing.

26 4. On or about December 18, 2012, an employee of the Department of Justice, served by
27 Certified and First Class Mail a copy of the Statement of Issues No. 2013-482, Statement to
28 Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7,

1 and Notice from Respondent/Applicant to Respondent's address on the application form. A copy
2 of the Statement of Issues is attached as Exhibit A, and is incorporated herein by reference.

3 5. Service of the Statement of Issues was effective as a matter of law under the
4 provisions of Government Code section 11505, subdivision (c)

5 6. On or about January 18, 2013, Respondent filed a Notice of Withdrawal of Request
6 for Hearing.

7 7. Business and Professions Code section 118 states, in pertinent part:

8 (a) The withdrawal of an application for a license after it has been filed with a
9 board in the department shall not, unless the board has consented in writing to such
10 withdrawal, deprive the board of its authority to institute or continue a proceeding
11 against the applicant for the denial of the license upon any ground provided by law or
12 to enter an order denying the license upon any such ground.

13 8. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
17 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
18 may nevertheless grant a hearing.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent; and where the burden of proof is on the respondent to establish that the
24 respondent is entitled to the agency action sought, the agency may act without taking
25 evidence.

26 10. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on
28 evidence on file herein, finds that the allegations, in Statement of Issues No. 2013-482 are true.

29 DETERMINATION OF ISSUES

30 1. Based on the foregoing findings of fact, Respondent Connie Camelia Saru has
31 subjected her application for a Registered Nurse License to denial.

32 2. Service of Statement of Issues No. 2013-482 and related documents was proper and
33 in accordance with the law.

34 3. The agency has jurisdiction to adjudicate this case by default.

1 4. The Board of Registered Nursing is authorized to deny Respondent's application for
2 licensure based upon the following violations alleged in the Statement of Issues:

3 a. Respondent's application is subject to denial under section 496 of the Code in
4 that she violated the rules during the administration of the NCLEX-RN examination on June 5,
5 2012, when she accessed NCLEX examination study aids during a scheduled break during
6 testing.

7 b. Respondent's application is subject to denial under section 480, subdivision
8 (a)(2) of the Code in that her subversion of a licensing examination constitutes an act involving
9 dishonesty, fraud, and deceit with the intent to substantially benefit herself.

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26 Attachment:
27 Exhibit A: Statement of Issues No.2013-482
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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

CONNIE CAMELIA SARU

Registered Nurse License Applicant

Respondent.

Case No. 2013-482

DECISION AND ORDER

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Connie Camelia Saru, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MAY 23, 2013.

It is so ORDERED APRIL 23, 2013.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Statement of Issues No. 2013-482

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2 LINDA K. SCHNEIDER
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2013-482

13 **CONNIE CAMELIA SARU**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 2, 2010, the Board of Registered Nursing, Department of
23 Consumer Affairs received an application for a Registered Nurse License from Connie Camelia
24 Saru, also known as Connie Camelia Lovin, also known as Camelia Saru, also known as Camelia
25 Lovin (Respondent). On or about September 1, 2010, Connie Camelia Saru certified under
26 penalty of perjury to the truthfulness of all statements, answers, and representations in the
27 application. The Board denied the application on September 25, 2012.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 123 of the Code provides, in pertinent part, that it is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination.

6. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

7. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment

1 of conviction has been affirmed on appeal, or when an order granting probation is
2 made suspending the imposition of sentence, irrespective of a subsequent order under
the provisions of Section 1203.4 of the Penal Code.

3 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
4 substantially benefit himself or herself or another, or substantially injure another.

5 (3)(A) Done any act that if done by a licentiate of the business or profession
in question, would be grounds for suspension or revocation of license.

6 (B) The board may deny a license pursuant to this subdivision only if the
7 crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made.

8 (b) Notwithstanding any other provision of this code, no person shall be denied
9 a license solely on the basis that he or she has been convicted of a felony if he or she
has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with
10 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
convicted of a misdemeanor if he or she has met all applicable requirements of the
11 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
person when considering the denial of a license under subdivision (a) of Section 482.

12 (c) A board may deny a license regulated by this code on the ground that the
13 applicant knowingly made a false statement of fact required to be revealed in the
application for the license.

14 8. Section 482 of the Code states:

15 Each board under the provisions of this code shall develop criteria to evaluate
16 the rehabilitation of a person when:

17 (a) Considering the denial of a license by the board under Section 480; or

18 (b) Considering suspension or revocation of a license under Section 490.

19 Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

20 9. Section 496 of the Code states:

21 A board may deny, suspend, revoke, or otherwise restrict a license on the
22 ground that an applicant or licensee has violated Section 123 pertaining to the
subversion of licensing examinations.

23 REGULATORY PROVISIONS

24 10. California Code of Regulations, title 16, section 1444 states:

25 A conviction or act shall be considered to be substantially related to the
26 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
27 manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

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1 (a) Assaultive or abusive conduct including, but not limited to, those violations
2 listed in subdivision (d) of Penal Code Section 11160.

3 (b) Failure to comply with any mandatory reporting requirements.

4 (c) Theft, dishonesty, fraud, or deceit.

5 (d) Any conviction or act subject to an order of registration pursuant to Section
6 290 of the Penal Code.

7 11. California Code of Regulations, title 16, section 1445 states:

8 (a) When considering the denial of a license under Section 480 of the code,
9 the board, in evaluating the rehabilitation of the applicant and his/her present
10 eligibility for a license will consider the following criteria:

11 (1) The nature and severity of the act(s) or crime(s) under consideration as
12 grounds for denial.

13 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
14 under consideration as grounds for denial which also could be considered as grounds
15 for denial under Section 480 of the code.

16 (3) The time that has elapsed since commission of the act(s) or crime(s)
17 referred to in subdivision (1) or (2).

18 (4) The extent to which the applicant has complied with any terms of parole,
19 probation, restitution, or any other sanctions lawfully imposed against the applicant.

20 (5) Evidence, if any, of rehabilitation submitted by the applicant.

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22 **FIRST CAUSE FOR DENIAL OF APPLICATION**

23 **(Subversion of a Licensing Examination on June 5, 2012)**

24 12. Respondent's application is subject to denial under section 496 of the Code in that she
25 violated the rules during the administration of the NCLEX-RN¹ examination on June 5, 2012.

26 The circumstances are as follows:

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28 ¹ The NCLEX (National Council Licensure Examination) is an examination for the
licensing of nurses in the United States. The NCLEX-RN examination is developed and owned
by the National Council of State Boards of Nursing, Inc. (NCSBN). NCSBN administers these
examinations on behalf of its member boards. The California Board of Nursing requires a
candidate for licensure to pass the NCLEX-RN. The examination is designed to test the
knowledge, skills and abilities essential to the safe and effective practice of nursing at the entry-
level.

1 a. Respondent participated in the NCLEX-RN examination at the Pearson
2 Professional Center in Anaheim on June 5, 2012.² Prior to the start of the examination,
3 Respondent was provided with an NCLEX Examination Candidate Rules document. One of the
4 rules stated that "You may not bring or access any educational, test preparation or study materials
5 to the testing center at any time during your examination." Respondent was required to provide
6 an electronic signature agreeing to the terms of the NCLEX Candidate Rules. At a break during
7 the administration of the examination, Respondent was observed accessing NCLEX examination
8 study aids.

9 b. In a letter to Respondent dated June 8, 2012, the NCSBN notified Respondent
10 that they intended to cancel the results of the examination and notify the California Board of
11 Nursing. Respondent was provided with an opportunity to appeal the decision. Respondent
12 advised the NCSBN on September 11, 2012 that she declined to appeal and accepted the
13 cancellation of the examination results.

14 c. In a letter to Respondent dated September 25, 2012, the Board denied
15 Respondent's application for licensure as a registered nurse. Respondent appealed the Board's
16 denial of her application.

17 **SECOND CAUSE FOR DENIAL OF APPLICATION**

18 **(Dishonest Acts)**

19 13. Respondent's application is subject to denial under section 480, subdivision (a)(2) of
20 the Code in that her subversion of a licensing examination, as described in paragraph 12, above, is
21 an act involving dishonesty, fraud, and deceit with the intent to substantially benefit herself.

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27 ² Respondent previously took and failed the NCLEX-RN examination in 2003, 2005,
28 2007, 2008, and 2010.

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FILED
COUNTY OF LOS ANGELES
CLERK OF SUPERIOR COURT
JAN 10 2013

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Connie Camelia Saru for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: December 13, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012704353